

Message Text

CONFIDENTIAL

PAGE 01 KINSHA 03617 01 OF 02 011204Z

44

ACTION AF-06

INFO OCT-01 ISO-00 L-02 EB-07 FBO-02 A-01 /019 W

----- 121355

R 011115Z MAY 75

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC 2344

C O N F I D E N T I A L SECTION 1 OF 2 KINSHASA 3617

E.O. 11652: GDS

TAGS: ABLD, AFSP, CG

SUBJ: ALHADEFF HOUSES

REF: A. KINSHASA 3141

 B. KINSHASA 2205

 C. STATE 099211

 D. KINSHASA 3579

I. TEXT OF AFFADAVIT OF TITLE REQUESTED REFTEL C WAS SENT
TO AF/EX FOR TRANSMISSION TO ALSPAUGH, FBO ON MARCH 6, 1975
WITH OTHER DOCUMENTS. FOLLOWING IS TRANSLATED TEXT OF SALES
AGREEMENT IN ZAIRES WHICH WOULD BE USED FOR GOZ REGISTRATION
FOR THE ELEVEN PROPERTIES MENTIONED IN REF A.

AGREEMENT

BETWEEN

SOCIETE COOPERATIVE DE CAUTIONNEMENT COLLECTIF DE LA FEDERATION
NATIONALE BELGE DU BATIMENT ET DES TRAVAUX PUBLICS, BRUSSELS
AND
THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

THIS SALE CONTRACT, MADE AND ENTERED THIS FIRST DAY OF NOVEMBER 1973
BETWEEN SOCIETE COOPERATIVE DE CAUTIONNEMENT COLLECTIF DE LA
FEDERATION NATIONALE BELGE DU BATIMENT ET DES TRAVAUX PUBLICS,
BRUSSELS HEREINAFTER CALLED THE VENDOR AND THE SECRETARY OF
STATE OF THE UNTIED STATES OF AMERICAN REPRESENTED BY
MR. CHARLES HERTER, ADMINISTRATIVE ATTACHE OF THE AMERICAN
EMBASSY AT KINSHASA, ZAIRE, HEREINAFTER CALLED THE PURCHASER.
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PAGE 02 KINSHA 03617 01 OF 02 011204Z

1. THE VENDOR, PURSUANT TO THE CONSIDERATIONS HEREINAFTER
MENTIONED WHICH HAVE TO BE EXECUTED BY THE PURCHASER, COVENANTS
AND AGREES WITH THE PURCHASER, TO SELL AND DELIVER TO THE
PURCHASER FEE SIMPLE TITLE (COMPLETE, ABSOLUTE AND PERPETUAL
OWNERSHIP) A DEED OF TRANSFER IN PROPER AND DUE FORM WITH
COVENANTS OF WARRANTIES, FEE AND CLEAR FROM ALL LIENS, RIGHTS
OF DOWER, OR OTHER ENCUMBRANCE, THE PROPERTY OR PREMISES
TOGETHER WITH IMPROVEMENTS, ALL FURNITURE AND OTHER BUILDINGS IN
OR ON THE PREMISES INCLUDING ALL RIGHTS AND PRIVILEGES THAT MAY
BE HELD JOINTLY WITH OTHER OWNERS OF THE BUILDING IN KINSHASA,
ZAIRE, AND HEREINAFTER DESCRIBED AS FOLLOWS:

APT. NO. 15 LOCATED ON THE 4TH FLOOR, NORTH BLOCK A OF
THE BUILDING LE CINQUANTENAIRE, CORNER PLACE DU 27 OCTOBRE
AND AVENUE DE LA PAIX AND CONSISTING OF: DINING ROOM, LIVING ROOM,
BATH, HALF BATH, KITCHEN, BALCONY, 2 BEDROOMS.

2. THE VENDOR ALSO COVENANTS TO OBTAIN AND SUBMIT ALONG WITH
THE DEED OF CONVEYANCE, PROOF OF THE RECONFIRMATION OF THE
PROPERTY RIGHTS OF THE VENDOR OVER THESE PREMISES ACCORDING
TO THE ORDINANCE OF THE GOVERNMENT OF ZAIRE DATED DECEMBER 31,
1971; THE EXECUTORY ORDINANCE OF THE GOVERNMENT OF ZAIRE
NUMBER 72/003 DATED JANUARY 7, 1972 AND ORDINANCE 9TH OF ZAIRE,
NUMBER 72/365 DATED SEPTEMBER 1972 AND TO PROVIDE IN A FORM
ACCEPTABLE TO THE PURCHASER AN AFFIDAVIT OF TITLE.

3. THE PURCHASER COVENANTS TO PURCHASE OF THE VENDOR, THE
PREMISES ABOVE DESCRIBED, AND PAY AND SECURE TO BE PAID
THEREFOR, SUBJECT TO THE ANNUAL APPROPRIATION OF FUNDS BY THE
CONGRESS OF THE UNITED STATES OF AMERICA THE SUM OF 43.428
ZAIRES, THE FIRST DAY OF NOVEMBER 1973.

4. IN EXCHANGE FOR THIS AGREEMENT, THE VENDOR COVENANTS TO
DELIVER IMMEDIATELY TO THE PURCHASER THE AFORESAID DEED. THE
SAID DEED SHALL BE DELIVERED TO THE AMERICAN EMBASSY AT
KINSHASA AND MONEY FOR ANY AND ALL PAYMENTS DESCRIBED HEREIN
SHALL BE PAID TO:

THE SOCIETE COOPERATIVE DE CAUTIONNEMENT COLLECTIF DE LA FEDERATION
NATIONALE BELGE DU BATIMENT ET DES TRAVAUX PUBLICS, BRUSSELS.
CONFIDENTIAL

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PAGE 03 KINSHA 03617 01 OF 02 011204Z

5. IN LIGHT OF THE FACT THAT THE PURCHASER ALREADY HAS POSSESSION
OF THE SAID PREMISES, IT IS FURTHER COVENANTED AND AGREED THAT
IN CASE OF FAILURE ON HIS PART TO PERFORM ANY OF THE
COVENANTS HEREIN CONTAINED, HE WILL YIELD AND DELIVER TO THE
VENDOR QUIET AND PEACEABLE POSSESSION OF SAID PREMISES;
THE VENDOR MAY IMMEDIATELY AFTER SUCH FAILURE RE-ENTER AND
TAKE POSSESSION OF THE PREMISES WITHOUT ANY PREVIOUS NOTICE TO

QUIT IN REFERENCE TO ANY LEGAL PROCEEDINGS TO RECOVER POSSESSION THEREOF AND THAT THE AFORESAID PREMISES SHALL REVERT TO THE OWNERSHIP OF THE VENDOR, THE PURCHASER RELINQUISHING ALL EQUITY, PAYMENTS MADE, AND OTHER RIGHTS TO THE AFORESAID PROPERTY.

6. THE PURCHASER COVENANTS AND AGREES NOT TO SELL OR OTHERWISE DISPOSE OF THE AFORESAID PREMISES WITHOUT FIRST HAVING SATISFIED COMPLETELY HIS FINANCIAL OBLIGATIONS TO THE VENDOR AS DESCRIBED HEREINABOVE.

7. IT IS COVENANTED AND AGREED BETWEEN THE PARTIES THAT THIS AGREEMENT SUPERSEDES AND CANCELS ANY PREVIOUS AGREEMENT ENTERED INTO BY SAID PARTIES RELATING IN ANY WAY TO THE PREMISES SUBJECT OF THE CURRENT TRANSACTION.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE SUBSCRIBED THEIR NAMES THIS FIRST DAY OF NOVEMBER 1973.

WITNESS: VENDOR:

WITNESS: VENDOR:

II. FOLLOWING IS AN AMENDMENT FOR A LEASE PURCHASE WHICH IS TYPICAL OF THOSE WE HAVE SIGNED WITH ALHADEFF.

AMENDMENT

1. REFERENCE IS MADE TO LEASE NO. DIA-CX-ID-7 ENTERED INTO ON JULY 1ST, 1971 BY AND BETWEEN MR. MAURICE ALHADEFF, LESSOR, AND THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, KINSHASA, LESSEE, FOR THE PREMISES LOCATED AT AVENUE HELENE 46-B, DJELO-BINZA, KINSHASA.

CONFIDENTIAL

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PAGE 04 KINSHA 03617 01 OF 02 011204Z

2. THE PRESENT AMENDMENT TO THE SAID LEASE CONTRACT NO. DIA-CX-ID-7 IS MADE:

BETWEEN: MRS. RACHEL ROSANES
OF KINSHASA
PROPRIETOR OF THE PREMISES BY INHERITANCE
ON THE ONE PART;

AND: THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, REPRESENTED BY MR. CHARLES J. HERTER,
ON THE OTHER PART.

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PAGE 01 KINSHA 03617 02 OF 02 011211Z

44

ACTION AF-06

INFO OCT-01 ISO-00 L-02 EB-07 FBO-02 A-01 /019 W

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R 011115Z MAY 75

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC 2345

CONFIDENTIAL SECTION 2 OF 2 KINSHASA 3617

THE PRESENT AMENDMENT, ESTABLISHING A LEASE WITH A PURCHASE OPTION IS MADE UNDER THE CONDITION THAT THE PROPERTY RIGHTS OF MRS. RACHEL ROSANES TO THE SAID PREMISES ARE CONFIRMED, ACCORDING TO GOZ ORDINANCE DATED DECEMBER 31, 1971, NO 71/009, THE EXECUTORY ORDINANCE DATED JANUARY 7, 1972, NO. 72/003 AND ORDINANCE NO. 72/365 DATED SEPTEMBER 14, 1972, MRS. RACHEL ROSANES, HEREBY COMMITTING HERSELF AS WELL AS HER HEIRS, EXECUTORS AND TRUSTEES, BE THEY UNDER AGE OR OTHERWISE INCAPACITATED, TO SELL TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE PROPERTY IN FEE SIMPLE, FREE OF ALL DEBTS PRIVATE OR PUBLIC, AND FREE OF MORTGAGE, THE REFERENCED PROPERTY BEING LOCATED IN DJELO-BINZA (KINSHASA) AVENUE HELENE 46-B.

STARTING FROM THE DATE OF THE PRESENT LEASE PURCHASE CONTRACT, THE EMBASSY HAS THE FULL DISPOSITION OF THE PROPERTY.

AFTER THE RECONFIRMATION OF THE PROPERTY RIGHTS OF MRS. RACHEL ROSANES OVER THE SAID PREMISES, AND PAYMENT BY THE EMBASSY OF THE TOTAL PRICE SET FOR THE PROPERTY, VIZ: \$46,000.00, MRS. RACHEL ROSANES WILL TRANSFER THE FEE SIMPLE TITLE TO THE EMBASSY, AND AS OF THIS DATE GRANTS TO THE EMBASSY IN AN IRREVOCABLE MANNER THE POWER TO REPRESENT HER FOR ALL TRANSFER FORMALITIES IF THE NEED FOR SUCH A REPRESENTATION ARISES.

3. PARAGRAPH 3 OF THE ABOVE-MENTIONED LEASE IS AMENDED TO EXTEND THE DURATION OF THE LEASE; IN VIEW OF THE EXTENSION OF THE PARTIAL PAYMENTS, THE LEASE IS EXTENDED TO OCTOBER 31ST, 1981. THE REST OF SAID PARAGRAPH 3 REMAINS UNCHANGED, ESPECIALLY REGARDING THE CONDITIONS OF TERMINATION OF THE LEASE (SEE PARAGRAPH 12 OF CONTRACT).

CONFIDENTIAL

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PAGE 02 KINSHA 03617 02 OF 02 011211Z

4. PARAGRAPH 4 IS AMENDED TO READ AS FOLLOWS:

THE LESSEE SHALL PAY THE LESSOR FOR THE PREMISES RENTED, DEPENDING ON THE ANNUAL APPROPRIATION OF FUNDS BY THE CONGRESS OF THE UNITED STATES OF AMERICA, IN CONSIDERATION OF THE LESSOR'S OTHER COVENANTS AND ARRANGEMENTS, AS SET FORTH HEREIN, IN ACCORDANCE WITH THE FOLLOWING PROVISION:

A RENT OF \$540.00 (FIVE HUNDRED FORTY DOLLARS) PER MONTH, PAYABLE QUARTERLY IN ADVANCE TO THE ACCOUNT OF:

MRS. RACHEL ROSANES
DISCOUNT BANK
ACCOUNT NO. G-47715
GENEVA, SWITZERLAND.

5. SUBJECT TO THE APPROVAL OF THE UNITED STATES FEDERAL AGENCIES CONCERNED, THE LESSOR AGREES TO GIVE TO THE LESSEE THE RIGHT TO AMEND THIS LEASE TO ADD THE STANDARD FBO LEASE-PURCHASE OPTION TO ENABLE THE LESSEE TO PAY FOR THIS PROPERTY OVER A PERIOD OF 7 YEARS AND ONE MONTH WITH ALL RENTAL PAYMENTS APPLYING TOWARD THE PURCHASE PRICE.

AT THE END OF THIS PERIOD, THE LESSOR WILL RECEIVE A FINAL PAYMENT OF \$100.00 (ONE HUNDRED) AND AGREES, AS STATED ABOVE, TO TRANSFER THE FEE SIMPLE TITLE TO THE LESSEE FOR DEFINITE POSSESSION.

THE BEGINNING OF THE PERIOD DURING WHICH THIS CONTRACT WILL BE CARRIED OUT IS THE FIRST DAY OF OCTOBER 1974.

6. IT IS THUS AGREED BETWEEN THE LESSOR AND THE LESSEE THAT THE LEASE IS AMENDED BY PARAGRAPHS 3, 4 AND 5 OF THE PRESENT DOCUMENT, ALL OTHER PROVISIONS OF THE LEASE REMAINING UNCHANGED.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SUBSCRIBED THEIR NAMES THIS FIRST DAY OF OCTOBER 1974.

WITNESS: FOR THE LESSOR (MRS. RACHEL ROSANES)

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PAGE 03 KINSHA 03617 02 OF 02 011211Z

LESSEE:

FOR THE SECRETARY OF STATE OF
THE UNITED STATES OF AMERICA

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 01 MAY 1975
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975KINSHA03617
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750153-0439
From: KINSHASA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750590/aaaadejm.tel
Line Count: 281
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 KINSHASA 3141
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 09 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 APR 2003 by lzenbel0>; APPROVED <31 OCT 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ALHADEFF HOUSES
TAGS: ABLD, AFSP, CG
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006